

Bartus, Dave

From: Bartus, Dave
Sent: Friday, November 22, 2013 10:54 AM
To: Cameron, Craig
Subject: RE: CWC Letter

No problem.

My sense is that whatever issues have been identified regarding the D-10 tank have to do only with Ecology's regulation of the corresponding CWC dangerous waste management unit. It seems that CERCLA did all the right things, based on the information/documentation available at the time, in the U-Plant ROD.

That said, I'd appreciate any thoughts you might have as to whether the current debate will have adverse impacts on CERCLA work, and if so, what they are and thoughts regarding how they should be addressed. As I mentioned during our last conversation, R10 does need to be consistent in our oversight of Ecology's authorized program, but if there is a way to accommodate CERCLA concerns, we should be doing so.

Dave

From: Cameron, Craig
Sent: Friday, November 22, 2013 10:18 AM
To: Bartus, Dave; Conaway, Kathy (ECY)
Cc: Faulk, Dennis
Subject: RE: CWC Letter

Thanks Dave.

Craig Cameron
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From: Bartus, Dave
Sent: Friday, November 22, 2013 10:15 AM
To: Cameron, Craig; Conaway, Kathy (ECY)
Subject: RE: CWC Letter

Good morning.

The section of Part A of the permit application noted in the link below is part of the permit modification package submitted by DOE-RL pursuant to the EPA CAFO. Under the CAFO, EPA required that the permit modification package include closure plan(s) for the unauthorized dangerous waste management units identified in the CAFO. Since the permit modification requests were to have been submitted to Ecology pursuant to Ecology's authorized program permit modification procedures, Ecology required the facility to also submit an updated section of Part A of the permit application corresponding to the various dangerous waste management units in the CWC, LLBG, and T-Plant complexes.

The key point to remember is that this submission of Part A of the permit application elements has ABSOLUTELY no effect in providing authorization to treat, store or dispose of wastes in any of the dangerous waste management units that are addressed until Ecology has made final administrative approval of the permit modification request. Therefore, even though the D-10 tank area has been identified in the document, the document does not provide any authorization with respect to the D-10 area. Indeed, until the facility submits a permit modification request to seek authorization to treat/store in this area, EPA's position is that the D-10 tank area remains unauthorized and the current storage activities are illegal.

A similar set of arguments applies to the draft re-issue permit Ecology proposed in 2012. In the CWC chapter of the permit, Addendum C does provide very sketchy documentation of the so-called Area F within the CWC complex, which corresponds to the D-10 tank area in the Part A form referenced below. Given that the draft permit is just that, it provides absolutely no authorization to store or treat in the Area F/D-10 tank area until Ecology makes a final administrative decision to finalize the permit following public comment and response to comments. The current plans are for Ecology to require the facility to provide a revised permit application, followed by re-proposal of a new draft permit. A final permit is not expected until 2016. Until then, Ecology will have to figure out how to address the on-going unauthorized storage in the Area F/D-10 Tank area.

The above analysis is based on the best information I have been able to identify. It is possible, though I expect highly unlikely, that there is some paperwork trail that I'm not aware of that might provide new information that could serve to update EPA's position.

Dave

From: Cameron, Craig
Sent: Friday, November 22, 2013 9:36 AM
To: Conaway, Kathy (ECY)
Cc: Bartus, Dave
Subject: RE: CWC Letter

I found this while looking for a later letter for acceptability.

http://www.ecy.wa.gov/programs/nwp/PI/pdf/comment_periods/App-CWC.pdf

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From: Conaway, Kathy (ECY) [<mailto:KCON461@ECY.WA.GOV>]
Sent: Tuesday, November 19, 2013 2:59 PM
To: Cameron, Craig
Subject: CWC Letter

Is this the one?